

Role of county attorney's office and requesting work from CA office

Criteria for County Attorney project list

- 1. Current litigation**
- 2. Potential litigation**
- 3. Policy or regulatory changes based on current and past litigation**
- 4. Interpretations of statute**
- 5. Policy projects**
- 6. Special projects**

BCC Policy for non-elected department (and the BCC) requests of County Attorney's office

The County Attorney's office is statutorily obligated to provide legal advice to several entities. In Ravalli County, the Board of County Commissioners (BCC) has dedicated funds to employ a civil counsel to represent the board. In order to formalize the process of requesting legal advice as well as allowing the County Attorney's office a more consistent process for receiving workload, the BCC does hereby institute this policy. All non-elected department heads and commissioner appointed boards will strictly adhere to this policy. The HR Director is exempted from this policy due to privacy issues involved with administration of that department. For the purposes of this policy, finance and the Commissioner's office staff are all considered to be part of the Commissioner's office and are represented by the POC as defined below.

The BCC will make all requests to the County Attorney's office for legal advice or opinion on behalf of all non-elected departments and commissioner appointed volunteer boards. Each department or board will assign one person to communicate questions or requests to the Commissioner's office. This person may be someone other than the department head or chairperson if the manager so desires. All requests for work from the County Attorney's office shall be submitted in written form to the commissioner's office. A member of the BCC will be designated as point of contact (POC) with the County Attorney's office and will review each request before forwarding them. The POC will keep a log of requests and report them to the board on a weekly basis via email or in administrative meeting.

On occasion, a department head may have a minor question which can be answered with one phone call or one in-person conversation with the attorney. The department head, and only the department head, may contact the civil counsel and ask this type of question. The civil counsel may answer the question immediately if they are comfortable doing so. If the question requires any research, follow-up, or any further action, and can't be completed within that conversation, then the civil counsel will refer the department head to the formal procedure wherein the request is made through the county commissioner's office.

The BCC will follow the same procedure as the other departments. The chair may ask questions of the civil counsel which can be answered in one conversation with no further research. Other than these simple questions, every request must come from the board as a whole and are submitted in written form to civil counsel. As questions come up as a part of regular business, a member of the board may propose that the question be submitted to civil counsel. This may happen as a part of any public meeting and does not require the meeting to be specifically noticed as such. No motion is necessary, only a consensus is required. A draft of a question may also be written and disseminated via email. This requires three members to consent in order for the question to be submitted (all members must be aware of the request).

All submissions will come from the board member acting as the point of contact (POC) for the county attorney's office. The POC will also convey prioritization information and keep a working list of projects and priorities. The POC has no authority to unilaterally submit questions or projects.

The Civil Counsel's responses to questions submitted will be addressed to the Department Head and the POC. Where multiple short conversations are required on a project for a department, those live or email conversations need only include the civil counsel and the department head or whomever the manager assigns to work on the project. The department head will notify the POC of any scheduled meetings for working sessions on a project, the POC will keep the BCC apprised of progress on that project.